IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

WP(C).No. 3002 of 2004(G)

PETITIONER:

SAINA KHAN, W/O. FEROZKHAN,
THAZHATHU PUTHEN VEEDU, KUTTIKKATTUKARA,
ELOOR VILLAGE.

BY ADV. SMT.AYSHA YOUSEFF,
SRI.JOBI.A.THAMPI,
SRI.SHAJI THANKAPPAN.

RESPONDENTS:
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1. **DISTRICT MEDICAL OFFICER, ERNAKULAM.**
2. **ELOOR GRAMA PANCHAYATH, REPRESENTED BY THE SECRETARY OF THE PANCHAYATH, ELOOR VILLAGE.**
3. **PRASAD, PUTHENVEETTIL, VII/793, KUTTIKKATTUKARA P.O., ELOOR.**
4. **KUNJU MOHAMMED, KOTTAIKKAL VEEDU, VII/722, KUTIKKATTUKARA P.O., ELOOR.**
5. **HAMEED BAVA, KOTTAKUNNUCHARUVIL VEEDU, KUTTIKKATTUKARA P.O., ELOOR.**
6. **HAMEED SAIT, AMEERA MANZIL, KUTTIKKATTUKARA P.O., ELOOR.**

BY GOVERNMENT PLEADER SRI. MANOJ.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.3002/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE REPORT DTD. 29/10/2001 OF THE VILLAGE OFFICER, KODUNGALLUR.

EXT.P.2: COPY OF THE LETTER DTD. 30/10/2001 OF REVENUE DIVISIONAL OFFICER, FORT KOCHI TO THE R.2.

EXT.P.3: COPY OF THE LETTER DTD. 26/11/2001 FROM THE R.2. TO THE REVENUE DIVISIONAL OFFICER, FORT KOCHI.

EXT.P.3.A: COPY OF THE DECISION TAKEN IN THE MEETING CONVENED ON 06/11/2001 BY THE R.2.

EXT.P.4: COPY OF THE ORDER NO. M/5299/2001 DTD. 09/01/2002 OF THE R.D.O.

EXT.P.5: COPY OF THE RESOLUTION PASSED BY THE R.2. DT. 06/11/02.

EXT.P.6: COPY OF THE LETTER NO. C2-34872/03 DTD. 27/11/2003 OF THE R.1. TO THE R.2.

RESPONDENT'S EXHIBITS: **NIL.**

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P. (C). NO. 3002 OF 2004

Dated this the 12th day of July, 2007.

J U D G M E N T

This writ petition is filed with the following prayers:

> i) To issue a writ of mandamus or any other appropriate writ order or direction directing the respondents to comply the direction contained in Ext. P6 forthwith to abate the nuisance existing in the premises of the petitioner's property situated in Sy. No. 27/1C-38 of Kadungallur village.
>
> ii) To issue an appropriate writ, order or direction directing the 2nd respondent to execute the direction in Ext. P6 letter of the 1st respondent to keep the waste water in the property of the respondents 3 and 4 and further to take steps to ensure that the respondents 3 to 6 keeping waste water by constructing tank in their own property without allowing to flow outside as decided in Ext. P3(a).

2. In case the petitioner has still any grievance left, she may produce a copy of this judgment before the second respondent, in which case, second respondent will take prompt action in the light of the report of the District Medical Officer, with notice to the petitioner and respondents 3 to 6, to abate the nuisance in any case within a period of another one month.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp